

REMARKS

Claims 1-39 are pending in the application. Claims 1-20, 38, and 39 stand rejected, and claims 21-37 have been withdrawn by the Examiner.

Rejection under 35 U.S.C §102

Claims 1-20, 38, and 39 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,499,987 to Feingold et al. In particular, the Examiner finds that, with regard to claim 1, Feingold discloses all of the claimed limitations in figures 1-41. Applicants have reviewed the reference with care and are compelled to respectfully disagree with the Examiner's characterization of this reference. However, further in the spirit of cooperation and in the interest of passing this case to issue, Applicants have also amended the claims herein to clarify their scope and thus more clearly read over the cited art.

Applicants thus note that Feingold discloses an insertion device for inserting a lens into an eye which includes an enclosing member for receiving and holding the lens. However, the enclosing member disclosed in FIGS. 37 to 41 of Feingold is very clearly shown to have only one hinge portion. Providing only one hinge portion in the enclosing member causes not only a peripheral edge portion of an optical portion of the lens but also other portions (for example, a central portion) of the optical portion to be brought into contact with the hinge portion (that is, the enclosing member) which is in an opened state, as shown in FIG. 30 (Prior Art) of the present application. In other words, Feingold only discloses a configuration in which the peripheral edge portion of the optical portion of the lens is engaged with the enclosing member and the portions of the optical portion other than the peripheral edge portion are in contact with the enclosing member when the lens before being deformed for insertion into the eye is received in the enclosing member.

In direct contrast, in the present invention as recited in presently amended claim 1 "only a peripheral edge portion of the optical portion of the deformable intraocular lens is engaged with said enclosing member and portions of the optical portion other than the peripheral edge portion

are not in contact with said enclosing member when the deformable intraocular lens is received in the enclosing member prior to being deformed for insertion into the eye." This amendment is fully supported by Figs. 5-7 and 16a-18 (wherein the enclosing member has no hinge portion) and the related disclosure. In view of the above, Applicants submit that the presently claimed invention is novel and non-obvious over Feingold, and respectfully request the Examiner to kindly reconsider and pass claim 1 to issue.

Claims 2-20, 38, and 39 depend directly or indirectly from claim 1, and Applicants submit that these claims are also novel and patentable over the art at least in view of their dependency on claim 1.

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Regarding the prior art made of record by the Examiner but not relied upon, Applicants believe that this art does not render the pending claims unpatentable.

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In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

Respectfully submitted,



Robert Popa
Attorney for Applicants
Reg. No. 43,010
LADAS & PARRY
5670 Wilshire Boulevard, Suite 2100
Los Angeles, California 90036
(323) 934-2300 voice
(323) 934-0202 facsimile
rpopa@la.ladas.com